



City Attorney

September 4, 2018

Sent via Email

Tom Jones
Email: TomJ@nbcuni.com

Re: Public Records Act Request received July 30, 2018

Dear Mr. Jones:

Your follow-up questions to the request of the above date, made pursuant to the California Public Records Act ("CPRA") California Government Code section 6250 et seq., were forwarded to our office for review and response. You requested information related to police reports regarding 1160 Broadway, El Cajon (Southwest Key) from January 1, 2010 to July 30, 2018.

In my letter of August 8, 2018, in accordance with Government Code section 6253(c), I determined, that your request sought copies of public records in the City's possession. At that time you were provided with all of the responsive information in redacted records that Government Code 6254(f)(2) requires.¹

Government Code section 6254(f) makes investigatory or intelligence files compiled by a local agency for correctional and law enforcement purposes, exempt from disclosure. Notwithstanding this general exemption, local agencies are required under Government Code section 6254(f) to disclose certain information and statements from these files under certain circumstances.

Government Code section 6254(f)(2) requires disclosure of the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim,² the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved.

In *Williams v. Superior Court*, 5 Cal. 4th 337 (1993), the California Supreme Court said that, in enacting the California Public Records Act (CPRA), "the state Legislature ... limited the CPRA's exemption for law enforcement investigatory files," in Government Code section 6254(f), "by

¹ As no one was arrested as a result of any of these incidents, the disclosure requirements of Government Code section 6254(f)(1) are not applicable.

² Specific exemptions to the requirement that the victim be identified include the names of juveniles who may be victims of certain specific crimes, which is the case here.

requiring agencies to disclose specific information derived from the materials in investigatory files rather than the materials, themselves.”

In addition to protections for juvenile victims set out in Government Code Section 6254(f)(2), state law further provides that certain official records regarding juveniles are generally closed to the public. These statutes reflect a legislative concern for the confidentiality of juvenile records as well as a strong public policy in favor of protecting the confidentiality of those records. As such, pursuant to California Welfare and Institutions Code (“WIC”) section 827 *et seq.* and *TNG v. Superior Court* (1971) 4 Cal.3d 767, information relating to juvenile police records and court case files is confidential, and cannot be released without an order of the Juvenile Court, except in limited circumstances not applicable here.

As stated above, you have already been provided with all of the information from records required under the CPRA. The CPRA requires that we provide records, or in some cases factual information derived from records. State law does not require answers to questions or explanations for actions taken by City employees, including Police Department employees, in response to a CPRA request.

However, in the interest of cooperation, Lt. Royal Bates, ITP Division/IA/PIO/SWAT, El Cajon Police Department, responded to your follow-up questions with this statement:

The El Cajon Police Department takes all allegations of sexual misconduct and crimes involving children very seriously, conducting thorough investigations to determine the exact circumstances while keeping the safety of the victims a top priority. Whenever possible, we will make arrests and/or forward those cases to the District Attorney’s office for prosecution. Due to the sensitive nature of these cases and privacy concerns for the minors involved, we do not release information about them in accordance with State law.

If you have any questions, please contact this office at (619) 441-1798.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Barbara C. Luck', followed by a horizontal line.

Barbara C. Luck
Staff Attorney